

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: SAGEL4

In re Application of:)	Art Unit: 3637
Thomas SAGEL et al.)	
)	Examiner: Matthew W. ING
I.A. Filing Date: November 12, 2003)	
I.A. Appln. No. PCT/EPO3/12645)	Washington, D.C.
)	
U.S. Appln. No.: 10/534,716)	Confirmation No: 6838
Filed: November 15, 2005)	
)	February 23, 2009
For: MOUNTING FOR AN EXTENSION...)	<u>MONDAY</u>

REPLY TO ELECTION OF SPECIES REQUIREMENT

Customer Service Window
Randolph Building, Mail Stop **Amendment**
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action mailed January 22, 2009, entirely in the nature of an election of species requirement on the basis of purported lack of unity of invention. Applicants reply below.

First, however, Applicants respectfully request the PTO to acknowledge receipt of Applicants' papers filed under §119.

Election has been required among what the PTO deems as being four (4) species of a generic invention, which species are deemed to lack unity of invention because they are purportedly not linked as to form a single general inventive concept under PCT Rules 13.1 and 13.2. As Applicants must make an election even though the requirement is traversed, Applicants hereby respectfully and provisionally elect species 1, with traverse and without prejudice.

The invention relates to a complete mounting hardware for an extension piece. The four species are part of this mounting hardware. The general inventive concept is to provide a mounting hardware for an extension piece which is installable without the use of tools. The rigid frame of the extension piece can be put onto the extension rails and locked (claims 16 to 21). Adjustments are done only with the help of a screwdriver (claims 22 to 25). The sliding of the locked frame is buffered (claim 26 to 30). The (new) claim 15 of the amendment of November 3, 2008, reflects this inventive concept as a generic claim. Claim 15 thus itself links the species to form a single general inventive concept under PCT Rule 13.1.

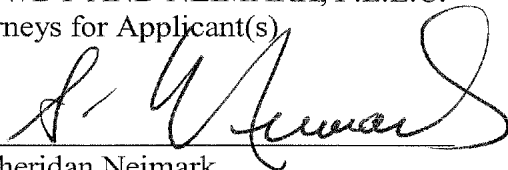
As to the claims which read on the elected species 1, Applicants believe that they are all of claims 15-21. In this regard, claim 15 is clearly generic and the Examiner agrees that claims 16-18 also read on species 1. Applicants believe and respectfully submit that the pending claims 19-21 are related to species 1 by claiming the locking of the frame to the upper extension rail in additional detail, i.e. there is nothing in claims 19-21 which meet the "mutually exclusive" requirement.

To summarize, Applicants believe and respectfully submit that there is no lack of unity of invention because claim 15 itself meets the requirements of PCT Rules 13.1 and 13.2, and therefore the requirement should be withdrawn and all the claims examined. In any event, claims 15-21 should be examined as reading on (covering) the elected species 1.

Respectfully submitted,

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